

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED

CASSIUS M. CLAY SR.,  
Plaintiff

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Civil Action No.: 05-125 Erie

District Judge McLaughlin

VS.

CLERK  
U.S. DISTRICT COURT

Magistrate Judge Baxter

TRACY REEVES, et al.,  
Defendants

**MOTION TO EXTEND TIME FOR DISCOVERY**

Petitioner, Cassius M. Clay Sr., Pro se, moves this Honorable Court for a sixty (60) day extension to complete discovery. In support thereof Plaintiff respectfully states as follows:

1. The cut-off date for discovery in this case is November 21, 2006.
2. On October 23, 2006, Plaintiff served the Defendants' counsel of record with a request for production of documents.
3. By operation of Fed.R.Civ.P. 34, the Defendants are not due to answer Plaintiff's request for production of documents until November 22, 2006; one (1) day beyond the discovery cut-off date.

4. Plaintiff submits that it is common practice to serve the opposing parties with interrogatories, requests for admissions and take depositions after a Fed.R.Civ.P. 34 request for production of documents has been made and responded to.
5. It is essential that the discovery cut-off date be extended so that Plaintiff will be able to draft his interrogatories, requests for admissions and take dispositions with the benefit of the Defendants' response to his Fed.R.Civ.P. 34 request for production of documents.
6. Plaintiff submits that the failure to complete discovery to date was the result of excusable neglect. In support of this assertion Plaintiff asserts that:
  - a. Since September 2006, Plaintiff has been deprived of legal materials, records and documents essential to conducting discovery. These materials, records and documents were confiscated by prison officials at his place of confinement;
  - b. Since September, 2006, Plaintiff has only been afforded twenty-two (22) hours of time within the law library at his place of confinement; and
  - c. Plaintiff is currently litigating two federal habeas corpus petitions before the United States District Court for the Western District of

Pennsylvania docketed as No.: 06-1255 and No.: 06-0861 which has required a voluminous amount of research and preparation consuming a majority of the twenty-two (22) hours of law library time Plaintiff has been afforded since September 2006.

7. Plaintiff avers that this Honorable Court has "wide discretion" in determining whether or not to extend the discovery period. See Taylor V. Foremost-McKesson, Inc., 656 F.2d 1029, 1033 (5<sup>th</sup> Cir. 1981); Kyle Engineering Co. V. Kleppe, 600 F.2d 226 (9<sup>th</sup> Cir. 1979), and Hammontor Investment and Mortgage Co. V. Morco, Ltd., 452 F.2d 119 (7<sup>th</sup> Cir. 1971).
8. It is Plaintiff's position that under the circumstances of this case, taking into account this Court's wide discretion, it would be appropriate to extend the standing discovery cut-off date.
9. Plaintiff requests an additional sixty (60) days, that is, until January 20, 2007, in order to complete discovery.
10. Plaintiff has sought concurrence from the Defendants' counsel of record as evidenced by the attached letter, marked as Exhibit-"A".
11. To date, Plaintiff has received no indication, neither verbally nor in writing, that the Defendants have any objection to the requested extension.

12. Plaintiff submits that the granting of this motion would not prejudice the Defendants.

**WHEREFORE**, for each of the foregoing reasons, Plaintiff, Cassius M. Clay Sr., Pro se, respectfully requests this Honorable Court to grant the relief requested herein, and any other or further relief that this Court deems just and proper.

**Respectfully submitted,**

A handwritten signature in cursive script that reads "Cassius M. Clay Sr." is written over a horizontal line.

**Cassius M. Clay Sr.**

**Pro se Plaintiff**

**Inmate No.: DQ-5954**

**SCI-Forest**

**P.O. Box 945**

**Marienville, Pa 16239**

**(814)621-2110**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CASSIUS M. CLAY SR.,  
Plaintiff**

**VS.**

**TRACY REEVES, et al.,  
Defendants**

**Civil Action No.: 05-125 Erie**

**District Judge McLaughlin**

**Magistrate Judge Baxter**

**STATEMENT OF VERIFICATION**

I verify that the foregoing is true and correct. I understand that false statements made herein are subject to the penalties of 28 U.S.C. §1746, relating to perjury.

**Date:** 11-3-06

**By:** Cassius M. Clay Sr.

**Cassius M. Clay Sr.**

**Pro se Plaintiff**

**Inmate No.: DQ-5954**

**SCI-Forest**

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**ORDER OF COURT**

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**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_ 2006, upon consideration of Plaintiff's Motion to Extend Time for Discovery, and the Defendants' response, if any, **IT IS HEREBY ORDERED** that Plaintiff's motion is **GRANTED**. All discovery is to be completed by January 20, 2007.

**BY THE COURT:**

\_\_\_\_\_  
**J.**

**Cassius M. Clay Sr.,  
Inmate No.: DQ-5954  
State Correctional Institution at Forest  
P.O. Box 945  
Marienville, PA 16239**

**November 3, 2006**

Office of the Clerk  
U.S. District Court  
Western District of PA  
P.O. Box 1820  
Erie, PA 16507

**RE: Cassius M. Clay Sr., V. Tracy Reeves, et al.,  
Civil Action No.: 05-125E**

Dear Clerk,

Please find for filing the original and two (2) copies of my Motion to Extend Time for Discovery. You will notice I have attached a copy of the first page of my motion to this letter. Please affix a time/date stamp and return the same to me in the self-addressed stamped envelope I have enclosed for your convenience. Thank you.

Very truly yours,



Cassius M. Clay  
Pro se Plaintiff

cc: file

Craig Elliot Maravich, Esquire  
Attorney for Defendants

Honorable Susan Paradise Baxter  
Magistrate Judge